

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>JAY H. MARX, et al.</b>	:	<b>Case No. C-1-02-050</b>
<b>Plaintiffs,</b>	:	<b>(Judge Watson)</b>
	:	
<b>v.</b>	:	
	:	
<b>LT. COLONEL RICHARD JANKE, et al.</b>	:	<b><u>JOINT STATUS REPORT</u></b>

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Plaintiffs filed a complaint with jury demand on January 24, 2002, and filed amended complaints January 29, 2002, and on November 14, 2002. Plaintiffs allege they were arrested without probable cause, and that the Officers used excessive force, in retaliation against Plaintiffs' exercise of their First Amendment right to protest and criticize the police. Defendants moved to dismiss, and that motion was granted in part and denied in part by Judge Dlott's September 2, 2004 Order. Thus remaining are Plaintiffs' (with the exception of Marx and Macconi) Fourth Amendment claims against defendants (except Defendant Henderson) for excessive force, Plaintiffs' claims for false arrest, malicious prosecution, false imprisonment, negligent emotional distress, First Amendment, battery, Defamation (against Defendant Henderson), and abuse of process.

Plaintiffs served discovery requests October 31, 2002, but by letter of counsel dated December 12, 2003 Defendants contended discovery was inappropriate until after the Court ruled on the Motion to Dismiss. The Court has now ruled on the Motion to Dismiss and Defendants are in the process of responding.

There is no schedule in place at this time. Counsel for the parties should hold a discovery conference and submit a proposed schedule to the Court that will allow the parties to proceed with initial disclosures and discovery. No settlement discussions have taken place.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was electronically filed with the Clerk of Courts using the CM/ECF system on this 20<sup>th</sup> day of October, 2004 which will notify Rick Ganulin, Assistant City Solicitor, via electronic email notification.

**/s/Kenneth L. Lawson**